

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHER DIVISION

RODNEY FORD,

Plaintiff,

v.

Civil Case No. 18-12809
Honorable Linda V. Parker

ANTHONY STEWARD¹,
SOPHIA BRADLEY,
CHARLES JAMSEN,
UNKNOWN CORRECTIONS OFFICER,
UNKNOWN MEDICAL STAFF,
BIENVENIDO CANLAS,

Defendants.

**OPINION AND ORDER GRANTING DEFENDANT ANTHONY
STEWARD'S MOTION TO DISMISS**

Plaintiff commenced this lawsuit against Defendants on September 10, 2018. The matter has been referred to Magistrate Judge R. Steven Whalen for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

Pursuant to summary judgment motions, Plaintiff's claims against Defendants Anthony Steward, Charles Jamsen, and Bienvenido Canlas have been

¹ This defendant's name appears as "Steward" and "Stewart" throughout the docket. The Court will use the former as it is the name appearing on the case caption, although it is unclear which is the correct name.

dismissed with prejudice. Plaintiff has never served Defendants Sophia Bradley, the Unknown Corrections Officer, or the Unknown Medical Staff. Therefore, on July 20, 2020, Defendant Steward filed a motion asking the Court to dismiss these defendants and enter a final judgment in the case. (ECF No. 54.)

On December 2, 2020, Magistrate Judge Whalen issued a Report and Recommendation (R&R) recommending that the Court grant Defendant Steward's motion. (ECF No. 57.) At the conclusion of the R&R, Magistrate Judge Whalen advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at Pg ID 422-23.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.* at Pg ID 422) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Defendant Steward's Motion to Dismiss Unserved Defendants is **GRANTED** and Plaintiff's claims against the unserved defendants are **DISMISSED WITH PREJUDICE**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 10, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 10, 2021, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager